

REMARKS

This is in response to the office action dated January 3, 2001. An appropriate request for an extension of time and requisite fee for the extension as well as the addition of additional claims are included herewith. At the outset, applicant would like to express its appreciation for courtesies granted by the examiner handling this case and his supervisor in the interview conducted on June 28, 2001. Amendments to the claims consistent with the position discussed in that interview have been made to the claims herein.

Claims 13-24 remain pending. New claims 25-45 have been added to more particularly define the patentable aspects of applicant's invention. Previously pending claims 13-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Becker (U.S. Patent No 4,929,094) in view of Aghassipour (U.S. Patent No. 5,595,320). The Becker reference discloses an inner container designed to be fitted into an outer container. In that reference, however, the sidewalls are not collapsible and, likewise, only two of the flaps are substantially straight along their entire length. The other two flaps are designed to be formed out of multiple triangles that cause the flap to have a broken, discontinuous edge. Claim 13 as amended requires the opposing first and second sidewalls of the inner container to be collapsible and requires a top edge on each of the four foldable side flaps that is substantially straight along its entire length. Becker does not teach or suggest any of these limitations, either alone or in combination with any of the references of record. In contrast, they require a discontinuous edge of at least two of the flaps in order to force the side flaps outwardly away from the top when folded so that


they can be grasped by a user. The Becker reference does not contain and, in fact, teaches away from the construction of applicant's claims as amended. Applicant therefore respectfully requests reconsideration of the rejection in view of its amendment to claim 13 and the claims dependent thereon.

Applicant has added several additional claims, some of which contain the distinguishing limitations of claim 13 over the Becker reference and those of record. These claims also contain some additional patentable limitations, e.g., in claim 34, the first and second sidewalls are movable from a first open position substantially perpendicular to the bottom to a second folded position substantially parallel to the bottom of the inner container assembly; in claim 42, the height of all the sidewalls in the back flaps is selectively adjustable. As such, applicant respectfully submits that these claims, likewise, define patentable subject matter over the Becker reference, alone or in combination with all the references of record.

Applicant therefore respectfully submits that all claims are in condition for allowance and respectfully requests same. If the examiner has any questions concerning this amendment, he is invited to contact applicant's attorney at the below-listed telephone number.

Respectfully submitted,

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hereby certify that the correspondence on file herein
 deposited with the United States Postal Service as
 first class mail in an envelope addressed to:
 Commissioner of Patents and Trademarks, Washington,
 D.C. 20231, on July 3, 2001
Thomas P. Linak 7136
 Thomas P. Linak Reg. 33,415 Date

APPENDIX – MARKED-UP VERSION

13. (Once Amended) [A fully collapsible] An inner container assembly,
designed to be removably inserted into an outer container comprising:

a bottom, collapsible opposing first and second sidewalls and front and
back walls, each constructed of a flexible insulating material having one metalized
surface, said first and second sidewalls and said front and back walls forming an integral
moisture proof seal with said bottom and each other;

an integral first foldable side flap extending above said first sidewall and
having opposing edges, said flap comprising a top edge that is substantially straight along
its entire length;

an integral foldable second side flap extending above said second sidewall
and having opposing edges, said flap comprising a top edge that is substantially straight
along its entire length;

an integral foldable front flap extending above said front end and integral
with the edges of both said first and second side flaps, said front flap comprising a top
edge that is substantially straight along its entire length;

an integral foldable back flap extending above said back end and integral
with the edges of both said first and second side flaps, said back flap further comprising a
top edge that is substantially straight along its entire length; and

a top formed from said first and second side flaps and said front and back
flaps wherein said first and second side flaps are folded and adjacent each other.